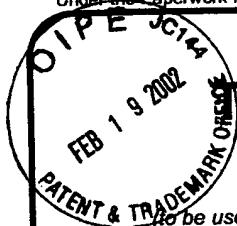


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

#7 1638

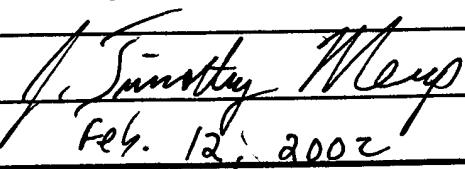
RECEIVED
TECH CENTER
FEB 15 2002
603/2000

		Application Number	09/988,462
		Filing Date	11/20/2001
		First Named Inventor	Koziel, Michael
		Group Art Unit	1638
		Examiner Name	TBA McElwain
Total Number of Pages in This Submission	6	Attorney Docket Number	S-188051

ENCLOSURES (check all that apply)

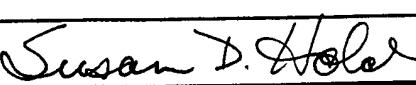
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		
8 references		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	J. Timothy Meigs, Attorney for Applicant, Reg. No. 38,241
Signature	
Date	Feb. 12, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: February 12, 2002

Typed or printed name	Susan D. Holder		
Signature		Date	February 12, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



47
CASE S-18805I

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

KOZIEL ET AL.

APPLICATION NO: 09/988,462

FILED: November 20, 2001

FOR: SYNTHETIC DNA SEQUENCE HAVING ENHANCED
INSECTICIDAL ACTIVITY IN MAIZE

Art Unit: 1638

Examiner: TBA

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
TECH CENTER 1600
FEB 25 2002
47

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 CFR §1.56, Applicants wish to call the Examiner's attention to the references cited on the attached Form PTO-1449.

In accordance with 37 CFR §1.97(b)(3), no fee is believed to be required for consideration of this statement because it is being submitted before the mailing date of a first Office Action on the merits. If a fee is deemed to be required, the Commissioner is hereby authorized to charge such fee to Deposit Account No. 19-0134.

Some of the listed references are of record in parent application 09/547,422, filed April 11, 2000, and copies are available therein. However, applicants are willing to send copies of any or all of these references at the Examiner's request.

Also, copies of the other cited references are enclosed herewith. The submission of these references is made solely for the purpose of complying with Applicant's duty of disclosure, and is not intended as a surrender of patentable subject matter nor is it intended to create prosecution history estoppel.

The Examiner is requested to consider the foregoing information in relation to this application and indicate that each reference was considered by returning a copy of the initialed PTO 1449 form(s).

Respectfully submitted,



J. Timothy Meigs
Attorney for Applicant
Registration No. 38,241

Syngenta Biotechnology, Inc.
P. O. Box 12257
Research Triangle Park, NC 27709-2257
Telephone: 919-541- 8587
Date: Feb. 12, 2002

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)



ATTY. DOCKET NO.
S-188051
APPLICATION NO.
09/988,462
APPLICANT
KOZIEL ET AL.
FILING DATE
November 20, 2001

Sheet 1 of 3

RECEIVED
FEB 25 2002
TECH CENTER 1600/2900
Group 1638

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
AA	5,625,136	4/29/97	Koziel et al.	800	205	9/25/92
AB	6,121,014	9/19/00	Koziel et al.	435	69.1	6/2/95
AC	6,051,760	4/18/00	Koziel et al.	800	302	6/2/95
AD	6,075,185	6/13/00	Koziel et al.	800	302	6/2/95
AE	5,350,689	9/27/94	Shillito et al.	435	240.47	3/1/93
AF	5,380,831	1/10/95	Adang et al.	536	32.71	5/3/93
AG	5,436,391	1/25/95	Fujimoto et al.	800	205	11/27/92
AH	6,320,100	11/20/01	Koziel et al.	800	279	4/11/00
AI	6,331,665	12/18/01	Lundquist et al.	800	302	3/20/96
AJ	App. No. 08/438,666	Pending	Koziel et al.			5/10/95

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	OFFICE	CLASS	SUBCLASS	TRANSLATION YES	TRANSLATION NO
AK	0 290395	11/1/88	EP			<input type="checkbox"/>	<input type="checkbox"/>
AL	0 431829	6/1/89	EP			<input type="checkbox"/>	<input type="checkbox"/>
AM	0 348348	12/1/89	EP			<input type="checkbox"/>	<input type="checkbox"/>
AN	0 353908	2/1/90	EP			<input type="checkbox"/>	<input type="checkbox"/>
AO	0 359472	3/1/90	EP			<input type="checkbox"/>	<input type="checkbox"/>
AP	0 374753	6/1/90	EP			<input type="checkbox"/>	<input type="checkbox"/>
AQ	0 385962	9/1/90	EP			<input type="checkbox"/>	<input type="checkbox"/>
AR	0 408403	1/1/91	EP			<input type="checkbox"/>	<input type="checkbox"/>
AS	0 431829	6/1/91	EP			<input type="checkbox"/>	<input type="checkbox"/>
AT	WO/9010076	9/1/90	WIPO			<input type="checkbox"/>	<input type="checkbox"/>
AU	WO/9110725	7/1/91	WIPO			<input type="checkbox"/>	<input type="checkbox"/>
AV	WO/9116432	10/1/91	WIPO			<input type="checkbox"/>	<input type="checkbox"/>

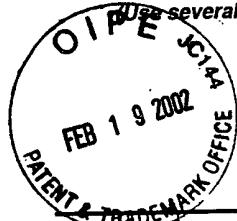
EXAMINER

DATE CONSIDERED

*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)



ATTY. DOCKET NO.
S-188051
APPLICATION NO.
09/988,462
APPLICANT
KOZIEL ET AL.
FILING DATE
November 20, 2001

RECEIVED
FEB 25 2002
TECH CENTER 1600/2900
Group 1698

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent pages, Etc.)

	AW	Barton et al., <i>Bacillus thuringiensis delta-endotoxin expressed in transgenic Nicotiana tabacum provides resistance to lepidopteran insects</i> <i>Plant Physiology</i> , Vol. 85 (1987) pp. 1103-1109
	AX ✓	Cheng, X. et al. <i>Agrobacterium-transformed rice plants expressing synthetic cryIA(b) and cryIA(c) genes are highly toxic to striped stem borer and yellow stem borer</i> <i>Proceedings of the National Academy of Sciences</i> , Vol. 95 (March 1998) pp. 2767-2772
	AY ✓	De Rocher, E.J. et al., <i>Direct Evidence for Rapid Degradation of Bacillus thuringiensis Toxin mRNA as a Cause of Poor Expression in Plants</i> <i>Plant Physiology</i> , Vol. 117 (1998) pp. 1445-1461 ✓
	AZ ✓	Del Vecchio Blanco, F. et al., <i>A recombinant ribosome-inactivating protein from the plant Phytolacca dioica L. produced from a synthetic gene</i> <i>Federation of European Biochemical Societies Letters</i> , Vol. 437 (1998) pp. 241-245
	BA	Fischhoff et al., <i>Insect Tolerant Transgenic Tomato Plants</i> <i>Bio/Technology</i> Vol. 5 (1987) pp. 807-813.
	BB	Geiser, et al. <i>The hypervariable region in the genes coding for entomopathogenic crystal proteins of Bacillus thuringiensis: Nucleotide sequence of the kurhd1 gene of subsp. kurstaki HD1 Gene</i> , vol. 48 (1986) pp. 109-118
	BC	Harper et al., <i>Calcium and lipid regulation of an Arabidopsis protein kinase expressed in E. coli</i> <i>Biochemistry</i> , Vol. 32, no. 13 (1993) pp. 3282-3290
	BD ✓	He, Y.K. et al., <i>Differential mercury volatilization by tobacco organs expressing a modified bacterial merA gene</i> <i>Cell Research</i> , Vol. 11(3) (2001) pp. 231-236
	BE ✓	Huang, J. et al. <i>Expression and Purification of Functional Human α-1-Antitrypsin from Cultured Plant Cells</i> <i>Biotechnology Progress</i> , Vol. 17 (2001) pp. 126-133
	BF	Kim, et al. <i>A 20 nucleotide upstream element is essential for the nopaline synthase (nos) promoter activity</i> <i>Plant Molecular Biology</i> , Vol. 24 (1994) pp. 105-117
	BG ✓	Kuvshinov, V. et al., <i>Transgenic crop plants expressing synthetic cry9Aa gene are protected against insect damage</i> <i>Plant Science</i> , Vol. 160 (2001) pp. 341-353
	BH ✓	Mason, H. S. et al., <i>Edible vaccine protects mice against Escherichia coli heat-labile enterotoxin (LT): potatoes expressing a synthetic LT-B gene</i> <i>Vaccine</i> , Vol. 16, no. 13 (1998) pp. 1336-1343
	BI	Murray et al. <i>Codon Usage in Plant Genes</i> <i>Nucleic Acids Research</i> , Vol. 17 (1989) pp. 477-498
	BJ	Murray et al., <i>Analysis of unstable RNA transcripts of insecticidal crystal protein genes of Bacillus thuringiensis in transgenic plant and electroporated protoplasts</i> <i>Plant Molecular Biology</i> , Vol. 16 (1991) pp. 1035-1050

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.



**FORM PTO-1449
(REV. 7-85)**

FORM PTO-146
(REV. 7-85) PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Sheet 3 of 3

ATTY. DOCKET NO.
S-188051
APPLICATION NO.
09/988,462
APPLICANT
KOZIEL ET AL.
FILING DATE
November 20, 2001

Group 1638

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent pages, Etc.)

EXAMINED _____ **DATE CONSIDERED** _____

***EXAMINER:** Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.